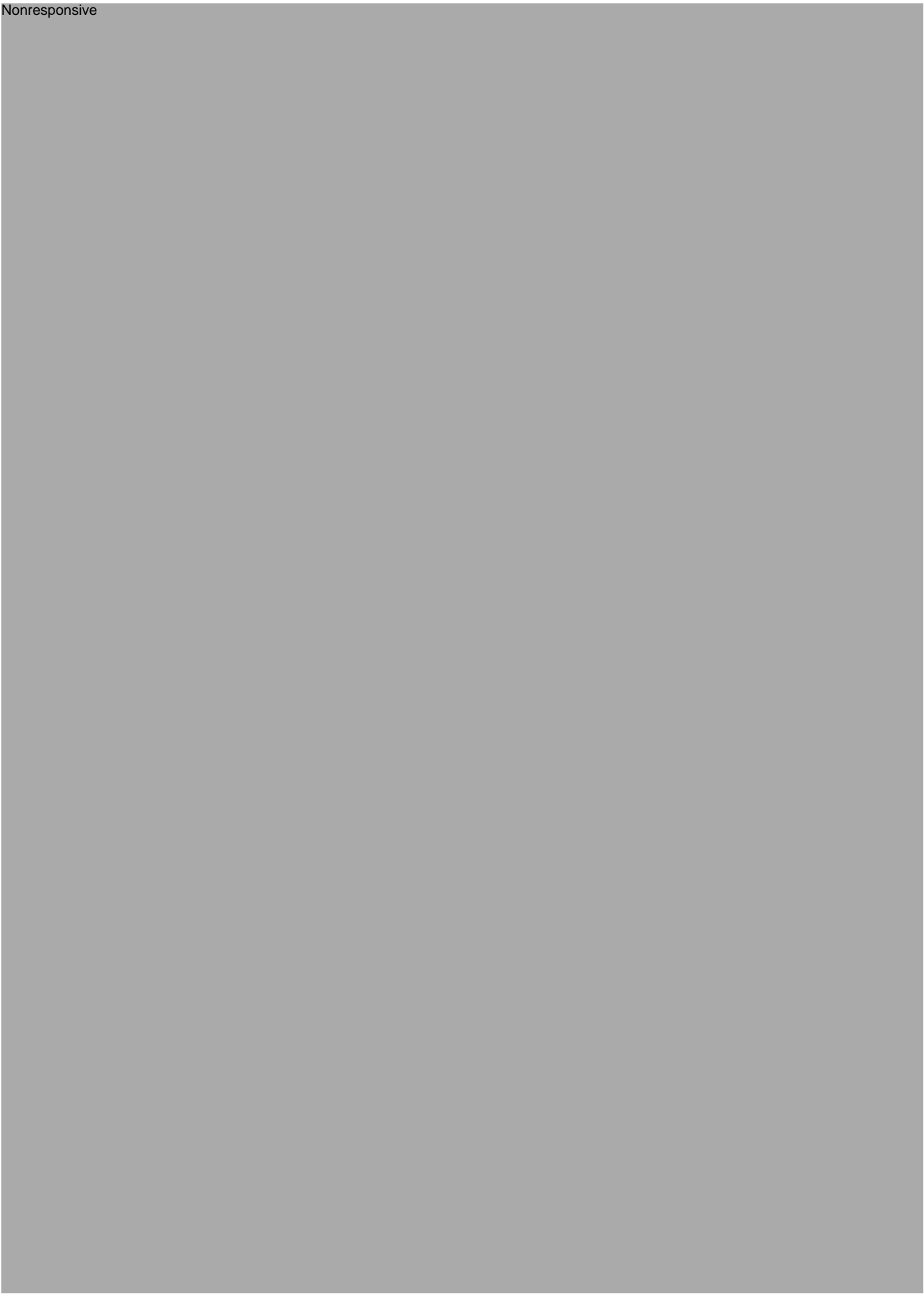


Nonresponsive



Nonresponsive



From: Wu, Jennifer

Sent: Monday, October 13, 2014 1:58 PM

To: FOSTER Eugene P; Waye, Don

Cc: LOBOY Zach; WALTZ David; MEYERS Bill; MRAZIK Steve; BLAKE Pam; JOHNSON York; DRAKE Doug; TARNOW Karen E; WIGAL Jennifer; COX Lisa; HICKMAN Jane

Subject: Re: Check-in on New Development Guidance/LID for Ashland and Roseburg

Thanks very much, Gene. Don, let's talk more and see whether you have questions and would like to do a follow-up call.

From: FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>

Sent: Friday, October 10, 2014 3:10 PM

To: Wu, Jennifer; Waye, Don

Cc: LOBOY Zach; WALTZ David; MEYERS Bill; MRAZIK Steve; BLAKE Pam; JOHNSON York; DRAKE Doug; TARNOW Karen E; WIGAL Jennifer; COX Lisa; HICKMAN Jane; FOSTER Eugene P

Subject: RE: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Jenny

In general, for geographic areas where TMDLs have already been issued for pollutant(s) that are stormwater related:

- These issues will be addressed at the five year review of DMA implementation of the TMDL. These reviews occur as resources allow, as an example, in the Rogue Basin DEQ has a Basin Coordinator, Basin Specialist, and the Rogue Valley Council of Governments (RVCOG) that have been active in implementation of the Rogue and Bear Creek TMDLs (see Ashland discussion below). However, in the Umpqua Basin the Basin Coordinator position was eliminated and only part of that work was picked up by the MidCoast Basin Coordinator (see Roseburg discussion below).
- The Basin Coordinators conducting the five year review will meet with the DMAs;
- DEQ will assess the status of the DMAs current stormwater management plans/programs. For those DMAs where DEQ determines that post construction needs to be addressed, DEQ would require that the DMAs update their TMDL implementation plans and DEQ would recommend that the DMAs follow the "TMDL Implementation Guidance: Guidance for Including Post-Construction Elements in TMDL Implementation Plans"
- This would be for those DMAs that received an allocation, or are part of a sector that received an allocation, for a pollutant that is stormwater related;
- The DMA TMDL implementation plan would only cover the areas that the DMA has authority.

Pollutants such as bacteria and sediment, and maybe nutrients, are historically stormwater related. Temperature historically was not. Implementing post-construction stormwater management strategies are not optional (i.e., voluntary) by a DMA if (a) load allocation(s) is issued and (b) post-construction strategies are key to meeting one or more pollutant load allocations. Having DMAs update their TMDL IPs is discussed in our TMDL Urban Guidance document (link below), see pages 7 & 8.

<http://www.deq.state.or.us/wq/tmdls/docs/TMDLguidance.pdf>

Specifically for Ashland and Roseburg:

Ashland: The City of Ashland is an MS4 community as well as a DMA identified in the 2007 Bear

Creek TMDL. The City has submitted a TMDL implementation plan to meet the requirements of the TMDL and reports on the progress associated with the plan on an annual basis. ODEQ reviews the plan and annual reports to ensure that they are meeting the identified implementation benchmarks and the TMDL. In the Urban Runoff section of the City's TMDL plan the city has repeatedly stated that they have addressed the majority of the barriers to low impact development (LID) through the phase II stormwater program. They have also stated that they intend to incorporate LID approaches into capital improvements, development and redevelopment projects to reduce impervious areas and infiltrate runoff. The City of Ashland's stormwater ordinances reference the regional stormwater quality design manual for guidance for its management measures. That manual was developed locally by Rogue Valley Sewer Services (RVSS) in conjunction with the local jurisdictions and ODEQ. ODEQ is currently sponsoring Oregon Environmental Council's project to develop an LID development guidance for small cities in Western Oregon. RVSS is on the technical advisory team for this project and the City of Ashland has agreed to participate in both the guidance development process and the development of a regional project that will test the new guidance. The guidance is expected to be completed by late summer 2015. The regional LID test project will be identified in the near future and will begin implementation by late summer as well (see OEC link below).

Roseburg: The Basin Coordinator is reviewing Roseburg's stormwater management plan and TMDL implementation plan, but we don't expect to complete that review process and start meeting with the City until ~ March 2015. DEQ will be evaluating whether the six primary MS4 "strategies" are part of their non-MS4 SW plan, along with the post-construction and the other questions in the attached document "Stormwater Workshop Data Collection Questions DRAFT 20140912", these questions are intended to augment and not supersede the guidance, both will be used in working with Roseburg to update their TMDL implementation plan.

In addition, as mentioned above, we have a 319 LID project with Oregon Environmental Council to develop a LID manual for Western Oregon, to give communities guidance in designing, constructing and maintaining greener stormwater facilities.

<http://www.oeconline.org/our-work/water/stormwater/low-impact-development>

Let me know if you have questions or want to discuss.

Gene

From: Wu, Jennifer [<mailto:Wu.Jennifer@epa.gov>]

Sent: Friday, October 10, 2014 7:54 AM

To: FOSTER Eugene P; LOBOY Zach; WALTZ David; MEYERS Bill

Cc: Waye, Don

Subject: Check-in on New Development Guidance/LID for Ashland and Roseburg

Hi Gene, Zach, David, and Bill,

Thanks for your previous responses on the New Development guidance and how it relates to the Rogue, Bear Creek, and Umpqua TMDLs. I'm following up on a call I think you all had last week on how Ashland and Roseburg would handle stormwater-related discharges and how that might work with New Development guidance or LID guidance that you're working on.

I'm working with Don Waye at HQ on the New Development Guidance under CZARA, and he's cc'ed above. A question has come up how much coverage the TMDLs provide re: the new development measure under CZARA, and to simplify the question, Don is focusing on Ashland and Roseburg to see what's done in some of the major cities in the coastal nonpoint management area where TMDLs have already been done. If it's difficult to send something in writing or it'd be easier to clarify the question, I can arrange a phone call. Of course, folks are

welcome to talk with each other, too, but I'd be happy to set something up to save people time. If you could let me know by next Tuesday, 10/14, whether DEQ will send something in writing or I should set up a phone call, that'd be great.

Thanks for the help,

Jenny

Name	Population 2005	Area (Sq.Mi.)
Gold Hill	1,062	0.72
Grants Pass	28,882	11.00
Jacksonville	2,230	1.91
Lakeside	1,488	2.27
Lincoln City	7,849	5.70
Manzanita	615	0.81
Medford	70,147	25.16
Myrtle Creek	3,528	2.39
Myrtle Point	2,509	1.60
Nehalem	198	0.28
Newport	9,833	10.30
North Bend	9,843	5.08
Oakland	973	0.73
Phoenix	4,375	1.35
Port Orford	1,180	1.64
Powers	754	0.65
Gold Beach	1,930	2.65
Rainier	1,816	4.89
Reedsport	4,361	2.29
Riddle	1,023	0.62
Rockaway Beach	1,308	1.57
Rogue River	1,941	0.94
Roseburg	20,727	10.22
St. Helens	11,874	5.74

MS4?

Y

Y

Y

Y

Y

Y

Y

Currently Listed -
TMDL to be done
and will include Post-
Construction
Guidance

Bacteria **Sediment**

Currently Listed - TMDL to be done
and will probably not include
Construction Guidance

Nutrients **Temperature**

X

X

X

X

X

X

X

X

X

X

X

X

?

X

X

X

X

X

X

X

X

X

Seaside	6,116	3.84
Shady Cove	2,301	2.00
Siletz	1,132	0.64
Sutherlin	7,281	6.26
Talent	6,018	1.31
Tillamook	4,471	1.72
Toledo	3,434	2.33
Vernonia	2,287	1.67
Waldport	2,094	3.05
Warrenton	4,310	17.55
Wheeler	395	0.51
Winston	4,764	2.48
Yachats	678	0.90
Yoncalla	1,059	0.64
Glendale	897	0.40
Gearhart	1,077	1.27
Garibaldi	927	1.33
Florence	7,841	5.79
Elkton	150	0.20
Eagle Point	7,496	2.93
Dunes City	1,257	3.43
Drain	1,039	0.62
Depoe Bay	1,363	1.80
Coquille	4,254	2.73
Coos Bay	15,823	16.11
Columbia City	1,797	1.11
Clatskanie	1,631	1.22
Central Point	15,672	3.79
Cave Junction	1,380	1.75

Y

Y

Y

X			X		X
X					
X	X		X		X
X					
X					
X					X
X					
X	X		X		X
			X		
		X	X		X
			X		
X					
X					
X					
					X
		X			

Canyonville	1,397	0.96
Cannon Beach	1,700	1.43
Butte Falls	433	0.38
Brookings	6,297	3.93
Bay City	1,162	1.93
Bandon	2,908	3.19
Astoria	9,784	10.20
Ashland	20,829	6.52
Prescott	73	0.07

Y

X
X

X
X
X

X
X
X
X

Total # of Cities

62

343,973

Total Population

77%

Municipalities needing TMDLs and with completed TMDLs where DMAs will

30,889

Population NOT likely subject to Post-Construction Guidance

313,084

Population likely subject to Post-Construction Guidance

91%

Population in coastal municipalities likely subject to Post-Construction Guidance

** Note: the Bear Creek WQMP calls for controls for: • All urban, nonagricultural, nonforestry-related land uses (e.g., parking lots, commercial practices); • Sewer and septic systems as related to human habitation; • Designing and siting of housing/hotels and other structures; • Golf Courses; • Other land uses as applicable to the TMDL; • Construction, operation and maintenance of parks and other county-owned facilities and infrastructure; • In

***Umpqua WQMP, Page 7-3- "Generally, the cities are responsible for their governmental operations as well as riparian protection."

Toxics	TMDL completed - Post Construction Guidance will likely be required following 5-Year DMA Implementation Review		TMDL completed - Post Construction Guidance will probably not be required following 5-Year DMA Implementation Review		None	Will likely be required to meet the Post-Construction TMDL Guidance
	Bacteria	Sediment	Nutrients	Temperature		
	X (Rogue WQMP, 4-12)			X (Rogue-WLA)		1
	X (Rogue WQMP, 4-12)			X (Rogue-WLA)		1
				X (Bear Creek WQMP-8)**	X	1
					?	
	X (Rogue-WLA)			X (Rogue-WLA, Bear Creek WQMP-8)**		1
	X (Umpqua WQMP, 7-3)		X (Umpqua - WLA)	X (Umpqua - WLA)		1
						1
	X(North Coast - WLA)					1
						1
						1
			X (Umpqua - WLA, WQMP, 7-3)	X (Umpqua - WLA)		?
				X (Bear Creek WQMP-8)**		1
						1
	X (Rogue WQMP, 4-12)					1
						1
	X (Umpqua WQMP, 7-3)		X (Umpqua - WLA)			1
	X (Umpqua WQMP, 7-3)		X (Umpqua - WLA)	X (Umpqua - WLA)		1
				X (Tillamook-WLA)		1
	X (Rogue WQMP, 4-12)			X (Rogue-WLA)		1
	X (Umpqua WQMP, 7-3)		X (Umpqua - WLA)			1
					X	

X	X (North Coast - WLA)		X (North Coast WLA)		1	
	X (Rogue WQMP, 4-12)		X (Rogue-WLA)		1	
					1	
		X (Umpqua - WLA)	X (Umpqua - WLA)		1	
			X (Bear Creek WQMP-8)**		1	
	X (North Coast - WLA)		X (North Coast WLA)		1	
					1	
	X (North Coast - WLA)		X (North Coast WLA)		1	
					1	
				?		
	X (Umpqua WQMP, 7-3)	X (Umpqua - WLA)			1	
					1	
	X (Umpqua WQMP, 7-3)	X (Umpqua - WLA)	X (Umpqua - WLA)		1	
		X (Umpqua - WLA)	X (Umpqua - WLA)			
				?		
	X (North Coast - WLA)		X (North Coast WLA)		1	
					1	
	X (Umpqua WQMP, 7-3)				1	
	X (Rogue WQMP, 4-12)				1	
	X (Umpqua WQMP, 7-3)	X (Umpqua - WLA)	X (Umpqua - WLA)		1	
					1	
					1	
					1	
	X (North Coast - WLA)		X (North Coast WLA)		1	
			X (Bear Creek WQMP-8)**		1	
	X (Rogue WQMP, 4-12)				1	

X (Umpqua WQMP, 7-3)	X (Umpqua - WLA)	X (Umpqua - WLA)	1
X (North Coast - WLA)		X (North Coast WLA)	1
X (Rogue WQMP, 4-12)			1
			1
			1
X (Bear Creek- WLA)	X (Bear Creek 1992 -WLA)	X (Bear Creek WQMP-8)**	1
			48

use Post Construction Guidance or may use it for already completed TMDLs when DMA Implementation

ance

uses including transportation uses (road, bridge, and ditch maintenance and construction
me, commercial, and industrial sites in urban and rural
nce of County roads and county storm sewer system; • Land use planning/permitting; •
spection and permitting of septic systems; • Riparian area management
ell as zoning and permitting, urban runoff and drainage systems, streets and roads, and

n Plans are amended

January 30, 2015

**OREGON COASTAL NONPOINT PROGRAM
NOAA/EPA FINAL FINDING**

FOREWORD

This document contains the bases for the final determination by the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) (collectively, the federal agencies) that the State of Oregon (State) has failed to submit an approvable Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program) as required by Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), 16 U.S.C. 1455b. NOAA and EPA arrive at this proposed decision because the federal agencies find that the State has not fully satisfied all conditions placed on the State's Coastal Nonpoint Program.

On January 13, 1998, the federal agencies approved the Oregon Coastal Nonpoint Program subject to specific conditions that the State still needed to address (see "Oregon Conditional Approval Findings"). Since then, the State has made incremental modifications to its program and has met most of those conditions.

On December 20, 2013, the federal agencies provided notice of their intent to find that the State has not fully satisfied the conditions related to new development, onsite sewage disposal systems (OSDS), and additional management measures for forestry (see "Oregon Coastal Nonpoint Program NOAA/EPA Proposed Finding"). The federal agencies invited public comment on the proposed findings relating to these conditions, as well as the extent to which those findings support a finding that the State failed to submit an approvable program under CZARA. NOAA and EPA did not propose that Oregon's failure to satisfy the agriculture management measures was a basis for the proposed decision. However, based on concerns the federal agencies had heard about agriculture nonpoint source management in the state, the federal agencies also invited public comment on the adequacy of the State's programs and policies for meeting the CZARA 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program. (See "NOAA and EPA Response to Comments Regarding the Agencies' Proposed Finding that Oregon has Failed to Submit a Fully Approvable Coastal Nonpoint Program" for a summary of the comments received and NOAA and EPA's response to them.)

In response to NOAA and EPA's proposed findings, Oregon also provided an additional submission in support of its coastal nonpoint program on March 20, 2014 (see "Oregon's Response to Proposed Disapproval Findings").

Commented [C1]: Is that considered an additional submission or just additional comments? I don't know if that matters or not

NOAA and EPA have carefully reviewed the public comments received and the State's March 2014 submission and have made a final determination that Oregon has failed to submit an approvable coastal nonpoint program. This decision is based on the State's failure to address the additional management measures for forestry condition. Based on information the State provided in March, the federal agencies believe that Oregon has now satisfied the conditions for new development and OSDS so these conditions are no longer a basis for the finding that Oregon has failed to submit an approvable coastal nonpoint program.

January 30, 2015

For further understanding of terms in this document and the basis of this decision, the reader is referred to the following documents which are available at:

- *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (EPA, January 1993);
- *Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance* (NOAA and EPA, January 1993);
- *Flexibility for State Coastal Nonpoint Programs* (NOAA and EPA, March 1995);
- *Final Administrative Changes to the Coastal Nonpoint Pollution Control Program Guidance for Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990* (CZARA) (NOAA and EPA, October 1998);
- *Policy Clarification on Overlap of 6217 Coastal Nonpoint Programs with Phase I and II Stormwater Regulations* (NOAA and EPA, December 2002); and
- *Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs* (NOAA and EPA January 2001).

Electronic copies of the documents cited above as well as any other references cited in this document and the Federal Register Notice announcing this action will be available at the following website: <http://coast.noaa.gov/czm/pollutioncontrol>.

SCOPE OF DECISION

This document explains the federal agencies' final finding regarding the additional management measures for forestry condition. This finding forms the basis for the federal agencies' proposed determination that the State has failed to submit an approvable program. The document also explains why the new development and OSDS management measures are no longer a basis for this decision. In addition, the document acknowledges the comments received regarding the adequacy of Oregon's agriculture programs and policies for meeting the 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program.

NOAA and EPA's final findings in this document are based on information the State has submitted in support of each condition, the federal agencies' knowledge of coastal nonpoint source pollution management in Oregon, and the public comments received. Oregon may—and is encouraged to—continue to work on and improve its program to satisfy all coastal nonpoint program requirements. If, based on a later review of information received from the State subsequent to what the federal agencies considered for this document, NOAA and EPA determine that the State has submitted a fully approvable program, the federal agencies will provide another opportunity for public comment. At this time, the public will be asked to provide comment on whether or not the State has satisfied all conditions placed on its program in 1998 and met all CZARA requirements.

PROPOSED FINDING OF FAILURE TO SUBMIT AN APPROVABLE PROGRAM

The federal agencies find that the State of Oregon has failed to submit an approvable program pursuant to Section 6217(a) of CZARA.

I. UNMET CONDITION

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A. ADDITIONAL MANAGEMENT MEASURES– FORESTRY

PURPOSE OF MANAGEMENT MEASURE: The purpose of this management measure is to identify additional management measures necessary to achieve and maintain applicable water quality standards and protect designated uses for land uses where the 6217(g) management measures are already being implemented under existing nonpoint source programs but water quality is still impaired due to identified nonpoint sources.

CONDITION FROM JANUARY 1998 FINDINGS: Within two years, Oregon will identify and begin applying additional management measures where water quality impairments and degradation of beneficial uses attributable to forestry exist despite implementation of the 6217(g) measures. (1998 Findings, Section X).

FINDING: Oregon has not satisfied this condition. By not satisfying the additional management measures for forestry, Oregon has failed to submit an approvable program under CZARA.

RATIONALE: Oregon proposes to address the additional management measures for forestry condition through a combination of regulatory and voluntary programs. While Oregon has made some progress towards meeting this condition, the State has not identified or begun to apply additional management measures to fully address the program weaknesses the federal agencies noted in the January 13, 1998, Findings for Oregon's Coastal Nonpoint Program. Specifically, the State has not demonstrated it has management measures, backed by enforceable authorities, in place to: (1) protect riparian areas for medium and small fish bearing streams, and non-fish bearing (type "N") streams; (2) protect high-risk landslide areas; (3) address the impacts of forest roads, particularly on so-called "legacy" roads; and (4) ensure adequate stream buffers for the application of herbicides, particularly on non-fish bearing streams.

Protection of Riparian Areas: [Insert final rationale]

Forestry Road Additional Management Measures: [Insert final rationale]

Landslide Prone Areas: [Insert final rationale]

Buffers for Pesticide Application on Non-Fish Bearing (Type N) Streams: [Insert final rationale]

II. CONDITIONS THAT ARE NO LONGER A BASIS FOR THIS DECISION

A. URBAN AREAS MANAGEMENT MEASURES – NEW DEVELOPMENT

PURPOSE OF MANAGEMENT MEASURE: The purpose of this management measure is four-fold: (1) decrease the erosive potential of increased volumes and velocities of stormwater associated with development-induced changes in hydrology; (2) remove suspended solids and associated pollutants entrained in runoff that result from activities occurring during and after development; (3) retain hydrological conditions that closely resemble those of the pre-disturbance condition; and (4) preserve natural systems including in-stream habitat.

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CONDITION FROM JANUARY 1998 FINDINGS: Within two years, Oregon will include in its program: (1) management measures in conformity with the 6217(g) guidance; and (2) enforceable policies and mechanisms to ensure implementation throughout the coastal nonpoint management area. (1998 Findings, Section IV.A).

FINDING: Based on information provided in Oregon's March 2014 submission, NOAA and EPA now believe the State has satisfied this condition. The new development management measure is no longer a basis for finding that the Oregon has failed to submit an approvable program under CZARA.

RATIONALE NOT INCLUDED: ~~Insert final rationale~~ NOAA and EPA will provide a rationale for public comment if/when the federal agencies are in a position to propose full approval of Oregon's coastal nonpoint pollution control program at a later point in time.

B. OPERATING ONSITE SEWAGE DISPOSAL SYSTEMS

PURPOSE OF MANAGEMENT MEASURE: The purpose of this management measure is to minimize pollutant loadings from operating OSDS.

CONDITION FROM JANUARY 1998 FINDINGS: Within two years, Oregon will finalize its proposal to inspect operating OSDS, as proposed on page 143 of its program submittal. (1998 Findings, Section IV.C).

FINDING: Based on information provided in Oregon's March 2014 submission, NOAA and EPA now believe the State has satisfied this condition. The OSDS management measure is no longer a basis for finding that the Oregon has failed to submit an approvable program under CZARA.

RATIONALE NOT INCLUDED: ~~Insert final rationale~~ NOAA and EPA will provide a rationale for public comment if/when the federal agencies are in a position to propose full approval of Oregon's coastal nonpoint pollution control program at a later point in time.

III. ADDITIONAL COMMENTS

A. AGRICULTURAL MANAGEMENT MEASURES--EROSION AND SEDIMENT CONTROL, NUTRIENT, PESTICIDE, GRAZING, AND IRRIGATION WATER MANAGEMENT

As noted in the Foreword, the federal agencies invited public comment on the adequacy of the State's programs and policies for meeting the 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program.

PURPOSE OF MANAGEMENT MEASURES: The purposes of these management measures are to: (1) reduce the mass load of sediment reaching a waterbody and improve water quality and the use of the water resource; (2) minimize edge-of-field delivery of nutrients and minimize leaching of nutrients from the root zone; (3) reduce contamination of surface water and ground

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water from pesticides; (4) reduce the physical disturbance to sensitive areas and reduce the discharge of sediment, animal waste, nutrients, and chemicals to surface waters; and (5) reduce nonpoint source pollution of surface waters caused by irrigation.

CONDITIONS FROM JANUARY 1998 FINDINGS: Within one year, Oregon will (1) designate agricultural water quality management areas (AWQMAs) that encompass agricultural lands within the coastal nonpoint management area, and (2) complete the wording of the alternative management measure for grazing, consistent with the 6217(g) guidance. Agricultural water quality management area plans (AWQMAPs) will include management measures in conformity with the 6217(g) guidance, including written plans and equipment calibration as required practices for the nutrient management measure, and a process for identifying practices that will be used to achieve the pesticide management measure. The State will develop a process to incorporate the irrigation water management measure into the overall AWQMAPs. Within five years, AWQMAPs will be in place. (1998 Findings, Section II.B).

DISCUSSION: In 2004, the federal agencies provided Oregon with an informal interim approval of its agriculture conditions, believing that the State had satisfied those conditions, largely through its Agriculture Water Quality Management Act (ORS 568.900-933, also known as SB 1010) and nutrient management plans (ORS-468B, OAR-60374). At that time, the federal agencies found that these programs demonstrated that the State has processes in place to implement the 6217(g) management measures for agriculture as CZARA requires.

Although the federal agencies initially found that these programs enabled the State to satisfy the agriculture condition, prior to announcing the proposed decision, some specific concerns with the State's agriculture program were brought to the federal agencies' attention such as:

- Enforcement is limited and largely complaint-driven; it is unclear what enforcement actions have been taken in the coastal nonpoint management area and what improvements resulted from those actions.
- The AWQMA plan rules are general and do not include specific requirements for implementing the plan recommendations, such as specific buffer requirements to adequately protect water quality and fish habitat.
- AWQMA planning has focused primarily on impaired areas when the focus should be on both protection and restoration.
- The State does not administer a formalized process to track implementation and effectiveness of AWQMA plans.
- AWQMA planning and enforcement does not address "legacy" issues created by agriculture activities that are no longer occurring.

Given these concerns, NOAA and EPA chose to take the opportunity to also solicit additional public comment on whether the State had satisfied the 6217(g) agriculture management measure requirements and the conditions related to agriculture placed on its program. NOAA and EPA appreciate the comments received related to the agriculture components of Oregon's coastal nonpoint program. The federal agencies appreciate the comments provided and are considering them closely. NOAA and EPA will work with the State, as necessary, to ensure it has programs and policies in place to satisfy all CZARA 6217(g) requirements for agriculture before proposing and making a final decision that the State has a fully approved coastal nonpoint program. For a

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summary of the comments received related to agriculture, see <http://coast.noaa.gov/czm/pollutioncontrol/>.

EPA		2010			
Region	State	PLCIDFP00	Population	Juris_Type	County
10	ID		#N/A	County	Ada
10	ID	1601990	13,816	City	Bonneville
10	ID		#N/A	County	Bonneville
10	ID		#N/A	County	Canyon
10	ID	1620350	2,335	City	Kootenai
10	ID	1623410	19,908	City	Ada
10	ID	1627550	169	City	Kootenai
10	ID	1635830	678	City	Kootenai
10	ID	1636370	13,294	City	Kootenai
10	ID	1636460	574	City	Kootenai
10	ID	1639070	100	City	Kootenai
10	ID	1640420	1,803	City	Bonneville
10	ID		#N/A	County	Kootenai
10	ID	1652120	75,092	City	Ada
10	ID		#N/A	County	Nez Perce
10	ID	1677050	38	City	Kootenai
10	ID	1683350	1,108	City	Bonneville
10	OR	4101000	50,158	City	Linn
10	OR	4114400	1,035	City	Lane
10	OR		#N/A	County	Columbia
10	OR		#N/A	County	Deschutes
10	OR	4121550	8,469	City	Jackson
10	OR	4129950	1,220	City	Jackson
10	OR	4130550	34,533	City	Josephine
10	OR	4137000	2,785	City	Jackson
10	OR	4137250	3,098	City	Marion
10	OR		#N/A	County	Josephine
10	OR		#N/A	County	Linn
10	OR	4146730	752	City	Multnomah
10	OR	4148300	1,329	City	Linn
10	OR	4148600	7,050	City	Umatilla
10	OR	4160850	1,895	City	Columbia
10	OR	4163450	2,131	City	Jackson
10	OR	4172600	1,164	City	Linn
10	OR		#N/A	County	Umatilla
10	WA	5300905	6,114	City	Spokane
10	WA	5304895	299	Town	King
10	WA		#N/A	County	Benton
10	WA	5310215	1,786	City	King
10	WA	5313855	8,765	City	Walla Walla
10	WA		#N/A	County	Franklin
10	WA	5332755	394	Town	King
10	WA	5345985	1,786	Town	Spokane
10	WA	5347665	3,308	City	Yakima
10	WA	5347805	795	Town	Yakima

10 WA	5359180	788 City	Douglas
10 WA	5360510	749 Town	Pierce
10 WA	5366045	434 Town	Pierce
10 WA	5379835	1,307 City	Snohomish
10 WA	5380150	1,001 Town	King

Juris_Name	Notes
Ada	
Ammon	
Bonneville	
Canyon	
Dalton Gardens	
Eagle	
Fernan Lake Village	
Hauser	
Hayden	
Hayden Lake	
Huetter	
Iona	
Kootenai	
Meridian	
Nez Perce	
State Line	
Ucon	
Albany	
Coburg	
Columbia	
Deschutes	
Eagle Point	
Gold Hill	
Grants Pass	
Jacksonville	
Jefferson	
Josephine	
Linn	
Maywood Park	
Millersburg	
Milton-Freewater	
Rainier	
Rogue River	
Tangent	
Umatilla	
Airway Heights	
Beaux Arts Village	
Benton	
Carnation	
College Place	
Franklin	
Hunts Point	
Millwood	
Moxee	
Naches	

Rock Island
Ruston
South Prairie
Woodway
Yarrow Point

FIPS	State	Name	Name, State
0203000	AK	Anchorage	Anchorage, AK
0224230	AK	Fairbanks	Fairbanks, AK
02090	AK	Fairbanks North Star	Fairbanks North Star, AK
0255910	AK	North Pole	North Pole, AK
16005	ID	Bannock	Bannock, ID
1608830	ID	Boise City	Boise City, ID
1612250	ID	Caldwell	Caldwell, ID
1614680	ID	Chubbuck	Chubbuck, ID
1616750	ID	Coeur D'Alene	Coeur D'Alene, ID
#N/A	ID	Drainage District #3	Drainage District #3, ID
1629620	ID	Garden City	Garden City, ID
1639700	ID	Idaho Falls	Idaho Falls, ID
1646540	ID	Lewiston	Lewiston, ID
1652660	ID	Middleton	Middleton, ID
1656260	ID	Nampa	Nampa, ID
1664090	ID	Pocatello	Pocatello, ID
1664810	ID	Post Falls	Post Falls, ID
4103050	OR	Ashland	Ashland, OR
	OR	Banks	Banks, OR
	OR	Beaverton	Beaverton, OR
4105800	OR	Bend	Bend, OR
41003	OR	Benton	Benton, OR
4112400	OR	Central Point	Central Point, OR
41005	OR	Clackamas	Clackamas, OR
	OR	Clean Water Services	Clean Water Services, OR
	OR	Cornelius	Cornelius, OR
4115800	OR	Corvallis	Corvallis, OR
	OR	Durham	Durham, OR
4123850	OR	Eugene	Eugene, OR
4124250	OR	Fairview	Fairview, OR
	OR	Forest Grove	Forest Grove, OR
4129000	OR	Gladstone	Gladstone, OR
4131250	OR	Gresham	Gresham, OR
	OR	Happy Valley	Happy Valley, OR
	OR	Hillsboro	Hillsboro, OR
	OR	Jackson	Jackson, OR
4137650	OR	Johnson City	Johnson City, OR
4138500	OR	Keizer	Keizer, OR
	OR	King City	King City, OR
4140550	OR	Lake Oswego	Lake Oswego, OR
41039	OR	Lane	Lane, OR
41047	OR	Marion	Marion, OR
4147000	OR	Medford	Medford, OR
4148650	OR	Milwaukie	Milwaukie, OR

41051	OR	Multnomah	Multnomah, OR
	OR	North Plains	North Plains, OR
	OR	Oak Lodge Sanitary District	Oak Lodge Sanitary District, OR
4155200	OR	Oregon City	Oregon City, OR
	OR	Oregon Dept of Transportation	Oregon Dept of Transportation, OR
4157450	OR	Philomath	Philomath, OR
4157500	OR	Phoenix	Phoenix, OR
41053	OR	Polk	Polk, OR
4159000	OR	Portland	Portland, OR
	OR	Port of Portland	Port of Portland, OR
	OR	Rivergrove	Rivergrove, OR
#N/A	OR	Rogue Valley Sewer Services	Rogue Valley Sewer Services, OR
4164900	OR	Salem	Salem, OR
	OR	Sherwood	Sherwood, OR
4169600	OR	Springfield	Springfield, OR
4172500	OR	Talent	Talent, OR
	OR	Tigard	Tigard, OR
4174850	OR	Troutdale	Troutdale, OR
	OR	Tualatin	Tualatin, OR
4175150	OR	Turner	Turner, OR
	OR	Washington	Washington, OR
4180150	OR	West Linn	West Linn, OR
4182800	OR	Wilsonville	Wilsonville, OR
4183950	OR	Wood Village	Wood Village, OR
5300100	WA	Aberdeen	Aberdeen, WA
5301290	WA	Algona	Algona, WA
5301990	WA	Anacortes	Anacortes, WA
5302585	WA	Arlington	Arlington, WA
5303075	WA	Asotin	Asotin, WA
53003	WA	Asotin	Asotin, WA
5303180	WA	Auburn	Auburn, WA
5303736	WA	Bainbridge Island	Bainbridge Island, WA
5304475	WA	Battle Ground	Battle Ground, WA
5305210	WA	Bellevue	Bellevue, WA
5305280	WA	Bellingham	Bellingham, WA
5306330	WA	Black Diamond	Black Diamond, WA
5307170	WA	Bonney Lake	Bonney Lake, WA
5307380	WA	Bothell	Bothell, WA
5307695	WA	Bremerton	Bremerton, WA
5307940	WA	Brier	Brier, WA
5308570	WA	Buckley	Buckley, WA
5308850	WA	Burien	Burien, WA
5308920	WA	Burlington	Burlington, WA
5309480	WA	Camas	Camas, WA
5311160	WA	Centralia	Centralia, WA

53007	WA	Chelan	Chelan, WA
53011	WA	Clark	Clark, WA
5312630	WA	Clarkston	Clarkston, WA
5313365	WA	Clyde Hill	Clyde Hill, WA
5315290	WA	Covington	Covington, WA
53015	WA	Cowlitz	Cowlitz, WA
5317635	WA	Des Moines	Des Moines, WA
53017	WA	Douglas	Douglas, WA
5318965	WA	Dupont	Dupont, WA
5319035	WA	Duvall	Duvall, WA
5320155	WA	East Wenatchee	East Wenatchee, WA
5320645	WA	Edgewood	Edgewood, WA
5320750	WA	Edmonds	Edmonds, WA
5321240	WA	Ellensburg	Ellensburg, WA
5322045	WA	Enumclaw	Enumclaw, WA
5322640	WA	Everett	Everett, WA
5323515	WA	Federal Way	Federal Way, WA
5323620	WA	Ferndale	Ferndale, WA
5323795	WA	Fife	Fife, WA
5323970	WA	Fircrest	Fircrest, WA
5326735	WA	Gig Harbor	Gig Harbor, WA
5327995	WA	Granite Falls	Granite Falls, WA
5333805	WA	Issaquah	Issaquah, WA
5335065	WA	Kelso	Kelso, WA
5335170	WA	Kenmore	Kenmore, WA
5335275	WA	Kennewick	Kennewick, WA
5335415	WA	Kent	Kent, WA
53033	WA	King	King, WA
5335940	WA	Kirkland	Kirkland, WA
53035	WA	Kitsap	Kitsap, WA
5336745	WA	Lacey	Lacey, WA
5337270	WA	Lake Forest Park	Lake Forest Park, WA
5337900	WA	Lake Stevens	Lake Stevens, WA
5338038	WA	Lakewood	Lakewood, WA
5340245	WA	Longview	Longview, WA
5340840	WA	Lynnwood	Lynnwood, WA
5343150	WA	Maple Valley	Maple Valley, WA
5343955	WA	Marysville	Marysville, WA
5344725	WA	Medina	Medina, WA
5345005	WA	Mercer Island	Mercer Island, WA
5345865	WA	Mill Creek	Mill Creek, WA
5346020	WA	Milton	Milton, WA
5346685	WA	Monroe	Monroe, WA
5347245	WA	Moses Lake	Moses Lake, WA
5347560	WA	Mount Vernon	Mount Vernon, WA

5347490	WA	Mountlake Terrace	Mountlake Terrace, WA
5347735	WA	Mukilteo	Mukilteo, WA
5348645	WA	Newcastle	Newcastle, WA
5349415	WA	Normandy Park	Normandy Park, WA
5350360	WA	Oak Harbor	Oak Harbor, WA
5351300	WA	Olympia	Olympia, WA
5352005	WA	Orting	Orting, WA
5352495	WA	Pacific	Pacific, WA
5353545	WA	Pasco	Pasco, WA
53053	WA	Pierce	Pierce, WA
5355365	WA	Port Angeles	Port Angeles, WA
5355785	WA	Port Orchard	Port Orchard, WA
5355995	WA	Poulsbo	Poulsbo, WA
5356625	WA	Pullman	Pullman, WA
5356695	WA	Puyallup	Puyallup, WA
5357535	WA	Redmond	Redmond, WA
5357745	WA	Renton	Renton, WA
5358235	WA	Richland	Richland, WA
5361115	WA	Sammamish	Sammamish, WA
5362288	WA	SeaTac	SeaTac, WA
5363000	WA	Seattle	Seattle, WA
5363210	WA	Sedro-Woolley	Sedro-Woolley, WA
5363280	WA	Selah	Selah, WA
5363960	WA	Shoreline	Shoreline, WA
53057	WA	Skagit	Skagit, WA
#N/A	WA	Skagit Co Drainage District #19	Skagit Co Drainage District #19, WA
5365170	WA	Snohomish	Snohomish, WA
53061	WA	Snohomish	Snohomish, WA
5367000	WA	Spokane	Spokane, WA
53063	WA	Spokane	Spokane, WA
5367167	WA	Spokane Valley	Spokane Valley, WA
5367770	WA	Steilacoom	Steilacoom, WA
5368435	WA	Sumner	Sumner, WA
5368750	WA	Sunnyside	Sunnyside, WA
#N/A	WA	Sunnyside Valley Irrigation District	Sunnyside Valley Irrigation District, WA
5370000	WA	Tacoma	Tacoma, WA
53067	WA	Thurston	Thurston, WA
5372625	WA	Tukwila	Tukwila, WA
5372905	WA	Tumwater	Tumwater, WA
5373290	WA	Union Gap	Union Gap, WA
5373465	WA	University Place	University Place, WA
5374060	WA	Vancouver	Vancouver, WA
5375775	WA	Walla Walla	Walla Walla, WA
53071	WA	Walla Walla	Walla Walla, WA
5376405	WA	Washougal	Washougal, WA

5377105	WA	Wenatchee	Wenatchee, WA
5377665	WA	West Richland	West Richland, WA
53073	WA	Whatcom	Whatcom, WA
5379590	WA	Woodinville	Woodinville, WA
5380010	WA	Yakima	Yakima, WA
53077	WA	Yakima	Yakima, WA

Type of MS4	Phase I or II MS4
Municipality	I
City	II
Borough	II
City	II
County	II
City	I
City	II
City	II
City	II
Drainage District	II
City	I
City	II
City	II
City	II
City	II
City	II
City	II
City	II
City	I
City	I
City	II
County	II
City	II
County	I
Other	I
City	I
City	II
City	I
City	I
City	I
City	I
City	I
City	I
City	I
County	II
City	I
City	II
City	I
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County	II
County	II
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City	II

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City	II
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City	I
City	II
City	II
City	II
City	II
County	II
Drainage District	II
City	I
County	II
City	II
County	II
City	II
Town	II
City	II
City	II
Irrigation District	I
City	II
County	II
City	II
City	II
City	II
City	II
City	II
City	II
County	II
City	II

City	II
City	II
County	II
City	II
City	II
County	

Clean Water Services Group
Clean Water Services Group

Rouge Valley Sewer Services Group
Clackamas County Group
Clean Water Services Group
Clean Water Services Group

Clean Water Services Group

Gresham Group
Clean Water Services Group
Clackamas County Group
Gresham Group
Clackamas County Group
Clean Water Services Group
Rouge Valley Sewer Services Group
Clackamas County Group

Clean Water Services Group
Clackamas County Group

Clackamas County Group

Clean Water Services Group
Clackamas County Group
Clackamas County Group

Rouge Valley Sewer Services Group

Portland Group
Portland Group
Clackamas County Group

Clean Water Services Group

Rouge Valley Sewer Services Group
Clean Water Services Group

Clean Water Services Group

Clean Water Services Group
Clackamas County Group
Clackamas County Group

Washington web page lists city as "Battleground"

“New” MS4s based on the 2010 Census Urbanized Areas

EPA has identified possible new MS4s based on the 2010 Census urbanized areas for States to review. This list of new MS4s was created by overlaying the Census list of incorporated places with the 2010 Census urbanized areas. EPA removed MS4s that were identified by States as already permitted under Phase I or Phase II from the list, so only “new” MS4s remain.

EPA has developed a spreadsheet for each EPA Region that includes two tabs:

- **NewMS4s-Region#** – this tab includes all new MS4s (Census incorporated places or Counties) that are within an urbanized area but are not permitted. In addition to FIPS code, name and type of MS4, EPA has also included the 2010 Census population for the jurisdiction (NOTE: This is the population for the entire jurisdiction, not the population within the urbanized area. Population for Counties is not included). Non-traditional MS4s such as departments of transportations, universities, and prisons, are not included in this list and States should determine non-traditional MS4s that would be newly regulated.
- **RegulatedMS4s-Region#** – this tab includes the existing permitted MS4s for each State, including their FIPS code and whether they are Phase I or Phase II. Non-traditional MS4s are generally not included in this list.

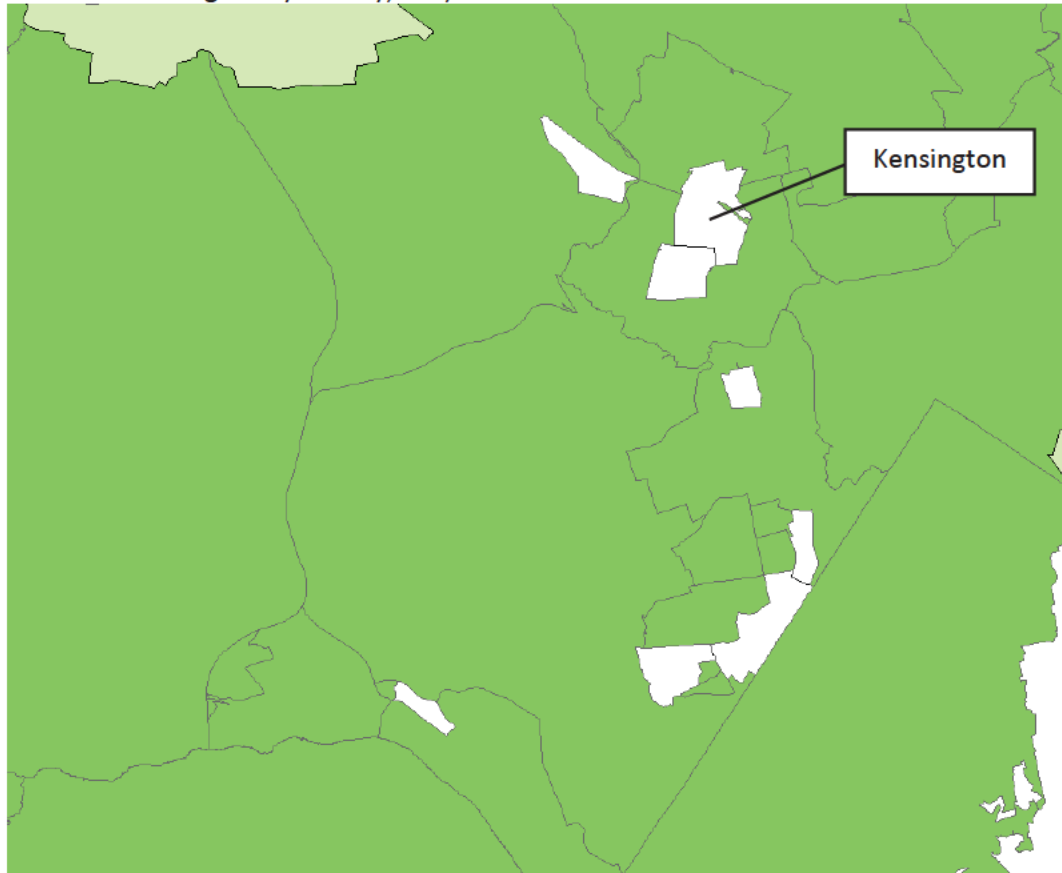
As States review this list, several caveats should be kept in mind:

- The list of “new” MS4s includes incorporated places that were previously waived by the States (see example 1 below). Some of these cities may have increased population, so they should be reviewed again by the State for potential designation.
- The list of “new” MS4s includes incorporated places that may have a very small percentage of their city in the urbanized area (see example 2 below). These MS4s may be eligible for waivers after review by the State.
- EPA did not include non-traditional MS4s on this list of new MS4s. States should develop a list of non-traditional MS4s that fall within the 2010 urbanized areas.
- Some of the incorporated places, especially places with very small populations, may not own and operate the storm drain system within their jurisdiction, so they would not be MS4s.
- EPA has included the list of currently regulated MS4s for each state. This list was developed from information provided by Regions and States, and from lists of permitted MS4s available on State websites. Any corrections to this list could also affect the list of new MS4s.

Any questions or corrections to the new MS4 list or the list of currently regulated MS4s should be emailed to:

Rachel Herbert
herbert.rachel@epa.gov

Example 1: Incorporated places in a Phase I County that were previously waived (Town of Kensington, MD within Montgomery County, MD).



Example 2: New MS4 with small portion in urbanized area (Mineral Springs, NC).

